

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 454

Introduced by Assembly Member Knight

February 24, 2009

An act to ~~repeal~~ *amend* Section 68130.5 of the Education Code, ~~and to repeal Section 1 of Chapter 814 of the Statutes of 2001,~~ relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 454, as amended, Knight. Public postsecondary education: exemption from nonresident tuition.

Existing

(1) *Existing* law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed an affidavit as specified, be exempt from paying nonresident tuition at the California Community Colleges and the California State University. ~~The act enacting that exemption made related legislative findings and declarations.~~

This bill, instead, would authorize the Trustees of the California State University and the Board of Governors of the California Community Colleges to exempt a person, other than a nonimmigrant alien, who meets specified requirements, from paying nonresident tuition at the California State University and the California Community Colleges.

(2) Existing law authorizes a community college district to report a student exempt from nonresident tuition under these provisions as a full-time equivalent student for purposes of receiving state apportionments.

This bill, instead, would prohibit a community college district and the California State University from reporting, as a state-supported full-time equivalent student, a student exempt from nonresident tuition under these provisions for apportionment purposes.

(3) Existing law also requires the Board of Governors of the California Community Colleges and the Trustees of the California State University to prescribe rules and regulations for the implementation of the nonresident tuition exemption provisions.

This bill would authorize, rather than require, the board of governors and the trustees to prescribe these rules and regulations.

~~This bill would repeal the exemption and those legislative findings and declarations.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68130.5 of the Education Code is amended
2 to read:

3 68130.5. Notwithstanding any other provision of law:

4 (a) ~~The Trustees of the California State University and the~~
5 ~~Board of Governors of the California Community Colleges may~~
6 ~~exempt a student, other than a nonimmigrant alien within the~~
7 ~~meaning of paragraph (15) of subsection (a) of Section 1101 of~~
8 ~~Title 8 of the United States Code, who meets all of the following~~
9 ~~requirements shall be exempt from paying nonresident tuition at~~
10 ~~the California State University and the California Community~~
11 ~~Colleges, if the student meets all of the following requirements:~~

12 (1) High school attendance in California for three or more years.

13 (2) Graduation from a California high school or attainment of
14 the equivalent thereof.

15 (3) Registration as an entering student at, or current enrollment
16 at, an accredited institution of higher education in California not
17 earlier than the fall semester or quarter of the 2001–02 academic
18 year.

1 (4) In the case of a person without lawful immigration status,
2 the filing of an affidavit with the institution of higher education
3 stating that the student has filed an application to legalize his or
4 her immigration status, or will file an application as soon as he or
5 she is eligible to do so.

6 (b) A *community college district and the California State*
7 *University shall not report a student exempt from nonresident*
8 *tuition under this section may be reported by a community college*
9 *district as a state-supported full-time equivalent student for*
10 *apportionment purposes.*

11 (c) The Board of Governors of the California Community
12 Colleges and the Trustees of the California State University ~~shall~~
13 *may* prescribe rules and regulations for the implementation of this
14 section.

15 (d) Student information obtained in the implementation of this
16 section is confidential.

17 ~~SECTION 1. Section 68130.5 of the Education Code is~~
18 ~~repealed.~~

19 ~~SEC. 2. Section 1 of Chapter 814 of the Statutes of 2001 is~~
20 ~~repealed.~~